

**Lincoln, Nebraska
November 2, 2007**

**COMMUNITY CORRECTIONS COUNCIL
*MEETING MINUTES***

The Community Corrections Council (Council) met Friday, November 2, 2007, 9:00 a.m., at the Holiday Inn Downtown, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

Members present:

Mike Behm
Kermit A. Brashear, Chair
Esther Casmer
Jeff Davis
Thomas Dorwart
Ellen Fabian-Brokofsky
The Honorable Karen Flowers
Julie Hippen
Robert Houston
The Honorable John P. Icenogle
Joe Kelly
Robert Lindemeier
James McKenzie
Senator Dwite Pedersen
Senator John Synowiecki
Janice Walker

Others present:

Robert Bell
Scott Carlson
Mike Dunkle
Andrea Frazier
Brad Hicken
Steve King
John Krejci
Roy Mehmken
Deb Minardi
Mike Overton
Julie Rogers
Christine Salvatore
Larry Wayne
David Wegner

Members absent:

Scot Adams
Lee Kimzey

Council Staff Present:

Linda Krutz, Executive Director
Tia Bachman, Admin Assistant
Nickette Allen, SOS Temp

CALL TO ORDER, WELCOME, & OVERVIEW

Chairperson Brashear called the Council meeting to order at 9:08 a.m., announced that the meeting is subject to the Open Meetings Act, and gave an overview of the meeting. Attendance is indicated above.

APPROVAL OF MINUTES

The August 17, 2007 meeting minutes were approved as presented.

COMMUNITY CORRECTIONS FINANCIAL REPORT

The *Community Corrections Financial Report* was approved as presented.

TARGET POPULATION REPORT & COMMUNITY CORRECTIONS DATA REPORT

Mike Dunkle, Crime Commission, presented the *Target Population Report*. Dunkle noted the numbers are beginning to show trends. Admissions to the Department of Correctional Services (DCS) are down 5 percent, and Felony Drug Offenders (FDO's) admitted to DCS are also down 13 percent. Dunkle noted information from Probation Administration was not available to be included on the *Target Population Report* due to a change over in Probations' reporting systems. Dunkle said 1,353 adults were sentenced to probation since January 2007 and FDO's sentenced to Probation was down 36 percent during the month of October.

Ellen Fabian-Brokofsky, Probation Administrator, suggested arrest rates be included on the *Target Population Report*. Jeff Davis, Sarpy County Sheriff, noted that arrest rates could be deceiving due to charges being dropped or changed by the time the detained person is brought to court. Karen Flowers, District Court Judge, said the important data to collect is from the charges that were filed. John Icenogle, District Court Judge, asked if more judges are using Council programs now than before. Icenogle suggested collecting data from the percentage of felony convictions versus the charges that were filed.

Dunkle reviewed the *Community Corrections Data Report* and noted a 120 percent increase in enrollment of offenders participating in Specialized Substance Abuse Supervision (SSAS) programs since January 2007. Dunkle said SSAS as a whole is operating at 63 percent of capacity.

Fabian-Brokofsky noted that Sarpy County is operating at 43 percent of capacity due to the high personnel turnover rate. Fabian-Brokofsky said many officers have been promoted or taken employment with the Federal Government. Deb Minardi, Probation Administration, noted a high number of offenders are Iowa residents and therefore not permitted in SSAS. Minardi also noted a significant number of offenders are dealers and the drug courts are reluctant to assign them to SSAS.

Dunkle agreed with the need to review felony convictions and will work with Michael Overton, Crime Commission, to accomplish this for the next meeting.

2008 MEETING DATES

The following meeting dates were proposed:

1/18/2008	4/18/2008	7/18/2008	10/17/2008
2/22/2008	5/16/2008	8/15/2008	11/14/2008
3/14/2008	6/20/2008	9/19/2008	12/19/2008

Brashear suggested changes to the proposed meeting dates due to conflicts with the Legislative calendar. Council meeting dates will be tentatively posted on the Crime Commission website and confirmed at the next scheduled meeting after all calendars are reviewed.

Brashear announced the meeting scheduled for November 16, 2007 will not be held.

DEFICIT APPROPRIATION PROPOSAL

Brashear noted a request for a *deficit appropriation* was made to the Governor's Budget Division which would allow two additional Reporting Centers to be funded and an increase in spending authority for the Uniform Data Fund for the expansion of data work. The response to the request will be presented to the Council when available.

PEW/VERA STRATEGIC ASSESSMENT

Brashear stated Vera Institute of Justice (Vera) was required by Pew Charitable Trust (Pew) to conduct an assessment and make a recommendation for continuation or cessation of funding. Brashear agreed to host the assessment which was held on October 4-5, 2007 and included members from different organizations. Brashear asked Lauren Hill, Director of Policy and Research, to represent the gubernatorial appointees. Maggie Peck, Vera, noted the assessment meeting was a success and her recommendation to Pew is to intensify community corrections efforts over the next 12 to 18 months in Nebraska. A written report will be presented to the Council when completed.

Peck stated the assessment group identified the Council as the entity to continue moving forward with sentencing reform in the state. Probation is currently mobilizing staff and resources to meet the objective of statewide community corrections, and is committed to expanding community corrections into the districts of Madison and Platte in 2008.

Peck said the group acknowledged the Council has not articulated a coherent method about the policy, objectives, and plans in recent months, and the group expressed a need for an evaluation of its existing community corrections programs. Peck noted Vera could conduct a cost benefit analysis to understand how community corrections function in the state and analyze the fiscal impact on the prison populations. Peck noted this evaluation could justify the Council's efforts and offer a framework for sustainability over the long term.

Peck noted participants suggested Vera help organize and facilitate a strategic planning retreat for the Council to re-examine the Council's scope, mission, and priorities. Peck noted the retreat would fall into the current funding cycle by Pew, which is continuing throughout March 2008 regardless of the assessment outcome. Peck stated some members of the group felt the focus of the Council was too limited and questioned if it was possible to expand its scope into other matters related to the state sentencing and corrections policy.

Council members agreed that a retreat was necessary. Dwite Pederson, Nebraska Legislature stated the Council needs some concentrated time to make decisions. Flowers said the retreat should be held regardless of Pew's continued involvement, and noted the report from Pew's assessment could be used to shape the outcome of the retreat. Peck proposed the retreat be held between January and March of 2008 and will work with Council staff to find suitable dates.

PROBATION/PAROLE SERVICES STUDY

Peck reported on the progress of the *Probation/Parole Services Study*. Peck and Reagan Daly, Project Manager and Senior Research Associate with Vera, conducted focus group meetings with Probation and Parole line staff. Vera selected line staff for their understanding on

how the service delivery is managed. Peck and Daly also interviewed budget officials from all three branches of government for their input on the fiscal impact to the state.

Peck and Daly interviewed Probation and Parole officers from urban, rural, and mixed districts. Mixed districts were defined as districts with two or more communities with a population of 8,000 or more. Peck noted administrative and service data was collected from Reporting Centers.

Peck noted the focus group and individual interviews were rich data sources, and the information will be analyzed by Vera and their consultant, Dr. Dall Forsythe, professor of the Wagner School of Public Administration at New York University. The final report of the study will be presented by Vera staff at the December 14, 2007 Council meeting.

JUSTICE BEHAVIORAL HEALTH COMMITTEE

Steve Rowoldt, Justice Behavioral Health Committee (JBHC) Co-Chair, discussed the JBHC Membership List and Committee Guidelines. Rowoldt noted the broad range of members including criminal justice, treatment, behavioral health, psychiatrists, and physicians.

Rowoldt presented the JBHC Subcommittee Guidelines. The Provider Subcommittee gives providers the opportunity to discuss their connection with criminal justice, in particular the Standardized Model. The Curriculum Subcommittee allows for appropriate training for treatment providers in regards to the criminal justice system and vice versa. The Data Subcommittee assists in the development of classification of the offender and to match the offender with proper treatment.

Rowoldt reviewed the September 12, 2007 meeting minutes and noted the discussion by Parole Administration and its effort to obtain evaluations and files on inmates and move them through treatment. Rowoldt stressed the connection of all agencies and their link to the juvenile population.

Rowoldt stated the Substance Abuse Provider Survey is now completed. Out of 476 surveys sent out by email to treatment providers, 136 were returned. The data will be compiled and presented at the next JBHC meeting on December 12, 2007.

A ten minute break was called by Brashear.
The Council reconvened at 10:34 a.m.

COMMUNICATION & EDUCATION STRATEGY

Linda Krutz, Executive Director of the Community Corrections Council, presented the Senator Information Packet. Krutz noted key pieces of information include an overview of the Council, JBHC Subcommittees, Probation and Parole treatment/services, and completed studies. Krutz invited members to suggest additions or changes.

Robert Lindemeier questioned the necessity of including Sentencing Guidelines in the packets since they were not accepted by court rule. Icenogle said including Sentencing Guidelines would reflect what the Council has done. John Synowiecki noted LB 46 mandated a working group be formed to create Voluntary Sentencing Guidelines.

Fabian-Brokofsky offered a document by Denise C. Herz, Ph.D., *Transformations in Community Corrections Series, Volume 1*, to be used in part or whole in the packet to show the Council formation and progress. Mike Behm, Director of the Crime Commission, suggested creating a small document either electronically or in paper form to provide assistance during speaking engagements. Krutz noted the brochure at the front of the packet could provide those necessary dates and figures.

Pederson suggested Krutz ask Senator Ashford, Chair of the Judiciary Committee, for 30 minutes to present the highlights of the Council work to the Judiciary Committee. Synowiecki suggested having an interim study in front of the Judiciary Committee every year to show where the Council is at, what is the status, and what the Council needs to continue.

Brashear suggested hosting a forum for senators in December or January to give them a presentation and overview of community corrections. Brashear said the packet could be used as a comprehensive desk reference.

Krutz discussed the creation of the annual report and noted it will be an extensive document in order to adequately explain the past and present work of the Council. However, Brashear suggested the report be straightforward, concise, and less than five pages long.

TIMELINE

Brashear presented the Council Timeline and identified the critical areas of concern as contending with the response from the executive branch with regard to the Deficit Appropriation Proposal; deal with the outcome of the Parole/ Probation Services Study; persuade legislators to introduce a bill about community corrections that could be used as a starter for the results of the Strategic Assessment that could later be amended.

MENTAL HEALTH CRIMINAL JUSTICE WORKSHOP

Jeff Davis suggested addressing mental health issues during the retreat. Steve King, DCS, noted 18 percent of incarcerated felons have serious mental health issues and 12 percent have some form of mental health concern. Fabian-Brokofsky said JBHC addresses these issues and noted the upcoming Mental Health Criminal Justice Workshop on December 5-6, 2007. Krutz noted two slots are available for the Council and Jeff Davis and Julie Hippen expressed interest in attending.

2008 LEGISLATION

Thomas Dorwart proposed introducing legislation involving disclosure to prospective buyers or renters of a house that has had methamphetamines created in it. Dorwart noted the possible contamination issues for future tenants. Icenogle stated this has already been addressed as a bill, but was not passed. Flowers said this would not be a part of the Council responsibilities. Hippen stated Region 5 Systems Regional Center has worked on this issue and can assist Dorwart on his proposal.

PUBLIC TESTIMONY

No one came forward to give public testimony.

CONCLUDING REMARKS & ADJOURNMENT

There being no further business, at 11:17 a.m. the meeting was adjourned.

The next scheduled meeting of the Council is Friday, November 30, 2007, 9:00 a.m., at the Nebraska Education Television Building in Lincoln, Nebraska.

Respectfully submitted,

Tia M. Bachman